

State of  
Washington  
House of  
Representatives



December 5<sup>th</sup>, 2018

Executive Rules Committee  
House of Representatives

Dear Speaker Chopp, Minority Leader Wilcox, Majority Leader Sullivan, Majority Caucus Chair Pettigrew, and Deputy Leader Kretz,

The Workgroup on the Prevention of Sexual Harassment (Workgroup), as charged, presents our recommendations for the establishment of an independent resource, ongoing education and training efforts, and broader cultural changes towards a more respectful workplace, including the adoption of a Code of Conduct. Over the course of the past eight months, we have invested nearly 30 hours in facilitated meetings, and countless more hours outside these meetings, collectively formulating what we believe to be a groundbreaking proposal. We are hopeful that these recommendations will foster a safe and respectful environment for the entire legislative community.

Our recommendations, as attached and below, have received legal review by House Counsel, and are supported by general consensus of the full Workgroup. The majority of the group supports the attached recommendations; two members have expressed concern about the liability, logistics and costs of creating a separate Independent Resource Office through statute. With recognition of the substantial task that implementing these recommendations will require, we have divided them into two categories: those recommendations that can be implemented immediately; and those that may require legislation or further collaboration with the Senate.

The following recommendations do not require the enactment of legislation:

- **Institute the attached Code of Conduct. In institutionalizing the Code of Conduct we recommend the following:**
  - Signed acknowledgement of the Code of Conduct should be required for all members of the House of Representatives and House employees.
  - In the short term, the Speaker of the House and Minority Leader should publicly encourage lobbyists to sign the Code of Conduct, including by sending out a joint email to all registered lobbyists. This email should note that refusal to sign may impact access to staff or member resources.
  - Members and staff should be empowered to refuse access to meetings and/or offices to lobbyists that refuse to sign. The Chief Clerk's office should maintain a list of lobbyists who have signed.
  - Representatives who do not sign the Code of Conduct should lose access to the use of House and caucus staff. Additionally, the names of members who have failed to sign the Code of Conduct should be publicly disclosable.
  - Signing the Code of Conduct should be a condition of employment for current and future House employees.

- The Code of Conduct should be prominently posted on the legislative campus, on the legislative website, and should be included in listserv notices for meetings and agendas.
- Members and staff should be required to sign the Code of Conduct at the onset of their employment at the House and biennially thereafter. Opportunities to sign the Code of Conduct should be many and diffuse, with availability at House trainings as well as administrative or supervisory offices of the House.
- **Implement the mandatory training for members and staff by the first day of the 2019 session.**
  - As resources are available, the remainder of the education and training recommendations, including elective training, mandatory supervisor training, and oversight, should be implemented by the first day of the 2020 session.
- **Establish an Advisory Board in collaboration with the Senate to help unify the proposals from the House and Senate to foster a safer work environment for the entire legislative community.**
  - The Advisory Board should work towards alignment with the Senate on a universal Code of Conduct, but if alignment is not achieved by the first day of the 2019 legislative session, we recommend establishing the attached Code of Conduct for the House.
  - In order to implement an Independent Resource (IR) Office that serves the entire legislative community, the Advisory Board should work together to recommend a unified proposal.
  - The Advisory Board should be composed of the following members of the House, and would ideally feature a similarly diverse representation of perspectives from the Senate:
    - Two members of the House of Representatives, one from each of the two largest caucuses;
    - Two members representing staff from each of the two largest caucuses;
    - Two members representing staff of the Office of Program Research;
    - One member representing House administration; and
    - Two members representing lobbyists.
  - Each group being represented shall determine their own selection process for appointing members to the Advisory Board.
- **Until legislation is enacted and the IR Office is established, the Workgroup recommends the House, in consultation with the Advisory Board, implement the following by the first day of the 2019 legislative session:**
  - Contract with an outside entity or person to provide consultative services to staff and members as described in the consultative branch portion of the IR Office recommendations. If a contract is not possible, hire an individual to fulfill those duties; and
  - Contract with an outside entity or person with whom individuals may file formal complaints directly and who will conduct independent investigations as described in the investigative branch portion of the IR Office recommendations.

The following recommendations require legislative action:

- The Code of Conduct should be formally institutionalized in Joint Rules. If an agreement cannot be reached with the Senate, the Workgroup recommends the Code of Conduct be adopted in House Rules.
- Many of the recommendations related to requiring lobbyist participation will require legislation, including the following:

- Requiring signed acknowledgment of the Code of Conduct and attendance at trainings in order to be in good standing with the Public Disclosure Commission (PDC); and
- Authorizing the PDC to take appropriate disciplinary action at the recommendation of the IR Office.
- To create an IR Office that is able to function independently and apolitically, the Workgroup recommends that the IR Office be established in statute with the following considerations:
  - The IR Office's actions should not be attributable to the legislature;
  - The IR Office should not be the employer of legislative employees;
  - The legislature should be immune from civil liability for the actions or inactions of the IR Office;
  - The legislature has no duty to act when it does not have knowledge of possible violations of the Code of Conduct or Respectful Workplace Policy, unless the legislature reasonably should have known of possible violations; and
  - In order to ensure complaints are brought forward, certain information received by the IR Office, including complaints and full, un-redacted investigation reports and identifying information of complainants, victims, and witnesses, are not subject to public disclosure and should be treated as privileged communications.
- Additional resources will be necessary to implement the recommendations, including:
  - At least two staff and supporting costs for the IR Office; and
  - Reimbursement for staff and members to travel and attend additional trainings.

We greatly appreciate the opportunity to put forth these recommendations and look forward to a continued dialogue about how the House of Representatives, and the legislature as a whole, can foster an environment where all members of the legislative community are treated with respect, dignity, and professionalism.

Respectfully,

Bernard Dean, Chief Clerk  
 Orlando Cano, HDC Chief of Staff  
 Lisa Fenton, HRC Chief of Staff  
 Jill Reinmuth, OPR Staff Director  
 Rep. Graves, HRC  
 Rep. Macri, HDC  
 Rep. Mosbrucker, HRC  
 Rep. Peterson, HDC  
 Tucker Bronkema, HRC LA  
 Jasmine Elam, HRC LA  
 Josie Ellison, HDC LA  
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